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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,225	12/20/2001	Monica A. McClintic	5038US (01-01-058)	3449

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EXAMINER	
NGUYEN, KIM T	

ART UNIT	PAPER NUMBER
3713	

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

TNK

Office Action Summary	Application No.	Applicant(s)	
	10/029,225	MCCLINTIC ET AL.	
	Examiner	Art Unit	
	Kim Nguyen	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 May 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,10-24,26-36,47-52,54-70,90-94,104-109 and 111-121* is/are pending in the application.

4a) Of the above claim(s) *13-15,22-24,26,50-52,56 and 107-109* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,10-12,16-21,27-36,47-49,54,55,57-70,90-94,104-106 and 111-121* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *12/20/01 & 5/31/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Examiner acknowledges receipt of the amendment on 5/25/05 . According to the amendment, claims 2-9, 25, 37-46, 53, 71-89, 95-103 and 110 have been canceled, claims 116-121 have been added, claims 13-15, 22-24, 26, 50-52, 56, 107-109 are withdrawn from consideration, and claims 1, 10-24, 26-36, 47-52, 54-70, 90-94, 104-109 and 111-121 are pending in the application.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 10-12, 16-21, 27-36, 47-49, 54-55, 57-70, 90-94, 104-106 and 111-121 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luciano, Jr. et al (US 6,050,895) in view of Kelly et al (US Patent No. 6,007,426).

As per claim 1 and 10-11, Luciano discloses a gaming device comprising a gaming unit 107b (Fig. 1B) in one embodiment for operating a primary game, the outcome of the primary game initiates a bonus game (col. 8, lines 48-67;

col. 9, lines 1-40; col. 5, lines 63-67); and a bonus game controller 107a (Fig. 1B) connected to the gaming unit for initiating a bonus game and awarding a bonus in relation to a level of physical interaction of the player (col. 12, lines 47-51). Luciano primarily discloses that the primary game is a skill game and the bonus game is a random game (col. 10, lines 38-46). However, in a different embodiment, Luciano suggests that it would have been obvious to design the primary game as a game of chance and the bonus game as an interactive skill game (col. 12, lines 39-51; col. 11, lines 8-26). Further, a game of chance selects outcomes randomly would have been well known. Luciano does not explicitly disclose a Virtual Reality interactive game of skill. However, Kelly discloses a virtual reality interaction game of skill (col. 16, lines 51-55; and col. 7, lines 23-26). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to design the primary game as a game of chance and the bonus game as a physical interactive skill game in view of Luciano' suggestion, and to provide the virtual reality interaction system of Kelly to the gaming device of Luciano in order to randomly allow the player to proceed to another play of game and to provide interaction between the player with a computer generated object.

As per claim 12, 16-18, providing a game in which the player manipulates a computer generated object to strike another computer generated object; providing a specific random outcome occurring in response to input of a

wager, setting a predetermined wager value or a predetermined number of wagers would have been well known to a person of ordinary skill in the art at the time the invention was made.

As per claim 19-21 and 27-29, refer to discussion in claims 1, 10-12, and 16-18 above.

As per claim 30 and 33, refer to discussion in claims 1 and 10 above. Further, extending the number of gaming units connecting to a bonus game controller would have been both well known and obvious design choice to allow a plurality of players to share the same bonus game.

As per claim 31-32, refer to discussion in claim 1 above. Further, using a random number generator to generate a random outcome would have been well known to a person of ordinary skill in the art at the time the invention was made.

As per claim 34-35, refer to discussion in claims 1 and 16 above.

As per claim 36, Luciano discloses including a specific bonus outcome occurring in the bonus game (col. 12, lines 50-51).

As per claim 47-49, refer to discussion in claims 2-3, and 10-12 above.

As per claim 54-55, locating gaming unit remotely and identifying a player at a gaming machine would have been well known.

As per claim 57, Kelly discloses allowing the players to compete against one another (col. 12, lines 6-17; col. 16, lines 62-64; and col. 21, lines 54-56).

As per claim 58-60, Kelly discloses assigning common game element (same question) to all the players (col. 12, lines 14-16, and col. 16, lines 62-63). Further, randomly selecting the common game element, assigning individually game element to each player, and allowing exchange of the individually game element would have been well known.

As per claim 61-64, Kelly discloses a bonus event computer (col. 15, lines 56-59; and col. 16, lines 31-32). Further, as to claims 63-64, extending the bonus game controller into a plurality of bonus game systems which separate from the gaming units would have been both obvious and design choice.

As per claim 65-66, refer to discussion in claims 16-18 above.

As per claim 67-70, triggering a bonus game including passing a fixed amount of time, allowing the player to decline participating in a shared bonus game, or skipping a session of play
but still returning qualification to participate in the bonus game in a later shared bonus game event would have been well known.

As per claim 90-94, 104-106, and 111-115, refer to discussion in claims 1, 10-12, 16, 30, and 57-60 above.

As per claim 116-121, Kelly discloses a shared virtual reality game of skill (col. 16, lines 49-55). Further, isolating the player from surrounding environment and providing a sensory input to the player would have been both well known and obvious design choice.

Response to Arguments

3. Applicant's arguments filed on 5/25/05 have been fully considered but they are not persuasive.

In response to applicant's argument in page 15, last paragraph, through page 17, Luciano does not explicitly disclose the virtual reality game of skill. However, Kelly discloses the virtual reality interactive game of skill in col. 16, lines 51-55 and col. 7, lines 23-26.

4. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.Any response to this final action should be mailed to:

Box AF:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 872-9306, (for formal communications; please mark "EXPEDITED PROCEDURE")

Hand-delivered responses should be brought to Crystal Plaza II, Arlington, VA Second Floor (Receptionist).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is (571) 272-4441. The examiner can normally be reached on Monday-Thursday from 8:3OAM to 5:OOPM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai, can be reached on (571) 272-7147. The central official fax number is (703) 872-9306.

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Date: August 3, 2005

Kim Nguyen
Primary Examiner
Art Unit 3713